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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,928	09/08/2000	Hannu H. Kari	796.366USW1	1849

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EXAMINER

PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/623,928

Applicant(s)

KARI ET AL.

Examiner

Prieto Beatriz

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 62-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 62-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to Request for Continued Prosecution under 37 CFR 1.114 filed 03/2/05. Claims 62-93 have been examined and remain pending.
2. Acknowledgement is made to claimed priority under 35 U.S.C. 119(a)-(d). Certified copy has been received and placed in file. Drawings replacement filed 07/29/04 is acknowledged.
3. Claims 62, 75, 86, 88, 90, 92, 93 have been amended on accordance to the subject matter described on page 5, lines 19-23, no new matter has been introduces.
4. Quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action may be found in previous office action.
5. Claim 62-93 are rejected under 35 U.S.C. 102(e) as being anticipated by (US 6,122,514) SPAUR et. al. (referred to as Spaur hereafter).

Regarding claim 62, Spaur teaches substantial features of the invention, including a system/method for routing a data transmission connection between a mobile unit ("terminal equipment") and a host site over a ("data transmission") network (col 5/lines 28-43 and col 7/lines 5-9), wherein a data transmission network includes two network channels, links or routes ("two access points") (channels 34a-n, col 6/lines 30-48) for connection of the terminal equipment to the data transmission network, the method comprising:

establishing a requirement parameters ("criterion") for a choice of an access point (col 2/lines 37-56, col 4/lines 55-62);

analyzing and weighting ("evaluating") the access points according to said criterion (col 2/lines 60-col 3/line and col 4/line 50-col 5/line 6);

choosing at least two of the access points which meet said criterion (col 2/line 60-col 3/line 22, and col 4/lines 58-62); and

transmitting data through one of the access points and other data the another access point (col 6/lines 1-29, 49-64).

Regarding claim 63, choosing the access points meeting said criterion in the terminal equipment (col 2/line 60-col 3/line 22 and col 4/line 58-62).

Regarding claim 64, choosing the access points meeting said criterion in an interconnection exchange device ("gateway exchange") (col 7/lines 19-20).

Regarding claim 65, establishing the criterion for the choice of a transmission capacity of a data transmission of the chosen access points (col 2/lines 37-col 3/line 22 and col 4/lines 55-65),

choosing the transmission capacity of each chosen access point according to a result of the evaluation step (col 7/lines 41-45, col 2/line 60-col 3/line 22 and col 4/lines 58-62), and

delivering and transmitting ("proportioning") the data transmission between the chosen access points in relation to the chosen transmission capacities (col 6/lines 1-29, 49-64).

Regarding claims 66-67, estimating the access points repeatedly ("constantly") including at certain intervals of time (col 20/lines 20-23).

Regarding claim 68, estimating the access points by monitoring transmission parameters (col 9/lines 46-53), including the quality of the data transmission (col 8/lines 42-50 and col 2/lines 38-43).

Regarding claim 69, giving information ("reports") to an application (10, 12, 14 and 18 of Fig. 1) used in the terminal equipment on characteristics of the chosen access points (col 5/lines 47-50).

Regarding claim 70, adapting a functioning of the application according to the reported characteristics (col 5/lines 47-60 adapt or change the application see col 9/lines 7-20).

Regarding claim 71, reporting characteristics of the chosen access points to a user (col 4/lines 37-49 and col 9/lines 30-34).

Regarding claim 72, establishing the criterion from an application to be used in the terminal (col 5/lines 47-50).

Regarding claim 73, choosing at least one access point meeting said criterion for the application (col 4/lines 11-16, and col 2/line 60-col 3/line 22).

Regarding claim 74, evaluating the access points, in which the access points where one is wireless access point (col 6/lines 30-48).

Regarding claim 75, this claim comprises limitation substantially the same a those in claim 62, thereby same rationale of rejection is applicable, further limitations comprise:

establishing a criterion for a choice of a data transmission relaying capacity of the access points (col 2/lines 38-43, 57-46, requirements include transmission relaying parameters, e.g. bandwidth);

analyzing, evaluating and weighting ("estimating") the access points in accordance with the criterion (col 2/line 60-col 3/line 44 and col 4/line 50-col 5/line 6);

choosing a relaying capacity of each access point according to results of the estimation step (col 2/line 60-col 3/line 22 and col 4/line 58-col 5/line 6); and

the data ("transmission traffic") is delivered and transmitted ("proportioned") between the access points in relation to the chosen relaying capacities (col 6/lines 1-29, 49-64).

Regarding claims 76-77, these claims are substantially the same as claims 63-64, discussed above, same rationale of rejections is applicable.

Regarding claims 78-84 and 85, these claims are substantially the same as claims 66-72 and 74, respectively discussed above, same rationale of rejection is applicable.

Regarding claim 86, this system "arrangement", claim is substantially the same as claim 62, taught by the applied prior art as noted, discussed above, wherein the same functions on claim 62, are performed in this claim by an entity called "router", same rationale of rejection is applicable.

Regarding claim 87, this claim is substantially the same as claim 74, same rationale of rejection is applicable.

Regarding claim 88, this claims is substantially the same as claims 62, 64 and 75, same rationale of rejection is applicable.

Regarding claim 89, this claim is substantially the same a claim 74, same rationale of rejection is applicable.

Regarding claim 90, this claim is substantially the same as claim 88, which is the same in substance as claims 62, 64 and 75, discussed above, same rationale of rejection is applicable.

Regarding claim 91, this claim is substantially the same as claims 74, 89, discussed above, same rationale of rejection is applicable.

Regarding claim 92, this apparatus claim is substantially the same as the method claim 62, same rationale of rejection is applicable.

Regarding claim 93, this apparatus claim comprising the means for performing functions is substantially the same as the functions performed by the apparatus claim 92, same rationale of rejection is applicable.

#### ***Response to arguments***

6. Regarding claims 62, 75, 86, 88, 90, 92, 93 are rejected under 102 as being anticipated by Spaur, it is argued the applied reference does not teach claim limitation as amended. Specifically, Spaur does not teach “choosing at least two access points which meet said criterion”, because according to applicant, the reference teaches using one network channel during operation.

In response to the above-mentioned argument, applicant’s interpretation of the prior art is noted. However, Spaur teaches a link selector (64) configured to access a communications link database that stores network channel parameters; wherein for each network channel to be analyzed, are *checked or analyzed in the context of the particular application requirements (to see if the channel parameter can satisfy all the corresponding requirement)*, to determine which of the channels are available for possible use. From the available channels that are found to be acceptable, *one or more* of them is selected for the particular application (column 2, lines 57-column 3, line 22).

7. Regarding claims 62, 75, 86, 88, 90, 92, 93 are rejected under 102 as being anticipated by Spaur, it is argued the applied reference does not teach claim limitation as amended. Specifically, Spaur does not teach “transmitting at least a part of data through at least two of the at least chosen access points”, because according to applicant, the reference teaches transmitting only once using one network channel during operation.

In response to the above-mentioned argument, applicant's interpretation of the applied reference has been fully considered. However, Spaur teaches configuring a protocol stack or unit 26 addressing and *delivery* of data packets through the *selected one or ones of network channels* that carry the transmitted information. The protocol stack 26 is able to *simultaneously utilize a number of network channels* and, correspondingly, a number of network addresses that relate to the *chosen* network(s) over which the present information is to be transferred (col 6/lines 1-15). The selection of one or more network channels through which information is to be transferred for the current application (col 10/lines 13-26). Spaur further teaches in *addition* to the feature of communicating with channels of different networks, where the stack configured to deliver data packets through the selected of one or ones of selected network channels (col 6/lines 1-15), the stack is also configured to transmit and received information during one particular bi-directional communications operation using two different network channels (column 6, lines 49-67). However, applicant's argument that the references fail to show certain features of applicant's invention, (i.e., transmitting data through at least two of the at least two chosen access points *during one particular bi-directional communications operation*), relies on features that are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. Applicant's arguments filed 03/22/05 have been fully considered but not rendered persuasive.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:  
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Faxed to the Central Fax Office:  
(703) 872-9306 (old No. in service until Sept. 15, 2005),  
(571) 273-8300 (New Central Fax No.)

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(703) 306-5631 for TC 2100 Customer Service Office.

B. Prieto  
TC 2100  
Primary Examiner  
July 5, 2005

**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**

